IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE : G. BIKSHAPATHY

AND
THE HON'BLE MR JUSTICE : B.SESHASAYANA REDDY

WRIT PETITION NO : 12177 of 2004

Between:

M.Venkateswara Rao S/o Rangarao, Skilled Operator,
O/o State Agmark Laboratory (Marketing Department) Market Yard, Gollapudi,
Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Commissioner and Director of Marketing, Government of

A.P., Hyderabad
2 The Chief Chemist State, Agmark Laboratory, Government offices

Complex, Old Market Yard, GT Raod , Guntur 522004

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the proceedings issued by the 1st respondent vide Ref.No.D(2)1381/2004, dt. 29/05/2004 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents to continue the petitioner at Vijayawada by considering his latest representation dt. 06/07/2004 and also set as side the order of the Hon'ble AP.A.T. passed in O.A.No. 3567/04, dt. 30/06/2004.

Counsel for the Petitioner : Mr. KOWTURU VINAYA KUMAR

The Court made the following :

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

This writ petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No. 3567 of 2004 dated 30.6.2004. The Tribunal dismissed the O.A. at the admission stage with the following observations:

> "From the perusal of the impugned order, it is seen that the applicant is being deputed to work at State Agmark Laboratory, Proddatur to assist the Chemist at State Agmark Laboratory, Proddatur. Prima facie, this is an administrative order passed. Such administrative orders cannot be interfered by the Tribunal. No violation of any rule or regulation is pointed out in the application. No prejudice is caused to the applicant and as such it does not call for interference."

The learned counsel for petitioner submits that the order is illegal and not sustainable as the deputation was made without consent of the petitioner. We are afraid, we cannot accept this. Deputation connotes transfer from one department to another department. In the instant case, the petitioner has been transferred within the same department and the word 'deputation' has been wrongly used in the order.

Thus, we do not find any merit in the writ petition and accordingly it is dismissed. However, we leave it open to the petitioner to make a representation to the authorities, if he so chooses for cancellation of the order.

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G.BIKSHAPATHY, J

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B.SESHASAYANA REDDY, J

Dated: 15th July 2004.

DA/TSY

To

1 The Commissioner and Director of Marketing, Government of

A.P., Hyderabad
2 The Chief Chemist State, Agmark Laboratory, Government offices

Complex, Old Market Yard, GT Raod , Guntur 522004

3 Two CD copies.